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AND RELATED INTOLERANCE
Preparatory Committee
Second session
Geneva, 21 May-1 June 2001
Item 6 of the provisional agenda

REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution of the Sub-Commission on the Promotion and Protection of Human Rights to the preparatory process for the World Conference

Note by the Secretary-General

1. At its first session, the Preparatory Committee had before it a note by the Secretary-General which described the contribution made thus far by the Sub-Commission to the preparatory process for the World Conference (A/CONF.189/PC.1/13 and Add.1). Addendum 1 to that document contained the working paper on proposals for the work of the World Conference prepared by Mr. Paulo Sérgio Pinheiro, member of the Sub-Commission, pursuant to Sub-Commission resolutions 1998/6 and 1999/6.

2. At its fifty-sixth session, the Commission on Human Rights, in resolution 2000/14, invited the Sub-Commission on the Promotion and Protection of Human Rights to participate actively in the preparatory process with a view to ensuring the success of the World Conference (para. 66).

3. At its fifty-second session, which was held from 31 July to 18 August 2000, the Sub-Commission continued the consideration of the subject of the World Conference and its contribution thereto. The attention of the Preparatory Committee is drawn to the following resolutions and decisions adopted by the Sub-Commission under various items of its agenda.

4. Resolution 2000/2, entitled "World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and migrant workers", contained proposals relating to the agenda for and the action to be taken by the World Conference. The Sub-Commission considered that the World Conference should pay special attention to the serious problems affecting all migrant workers and members of their families and requested the Preparatory Committee to include a separate item on migrant workers in the agenda of the World Conference. The Sub-Commission also considered that the World Conference should:

(a) Stress the need for States, especially the States of destination, to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(b) Draw the attention of States parties to the urgent need to implement the standards established by the United Nations and the International Labour Organization by strengthening their anti-discriminatory legislation or by enacting laws condemning discrimination, xenophobia and intolerance in all their forms.

5. In the resolution, the Sub-Commission requested the World Conference to recommend to the General Assembly that it proclaim 18 December of each year an international day of solidarity with migrant workers and members of their families. It also requested the World Conference to study and propose ways and means of putting an end to the racist campaigns encouraging violence against migrant workers through the Internet, sections of the media and political activities.

6. In its resolution 2000/3, entitled "World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance", the Sub-Commission welcomed the work of its members thus far in preparation for the World Conference, including:

(a) The preliminary report on the concept and practice of affirmative action (E/CN.4/Sub.2/2000/11 and Corr.1) and the working paper on the same topic (E/CN.4/Sub.2/1998/5) submitted by Mr. Marc Bossuyt;

(b) The working paper on the rights of non-citizens submitted by Mr. David Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1);

(c) The working paper on globalization in the context of increased incidents of racism, racial discrimination and xenophobia submitted by Mr. J. Oloka-Onyango (E/CN.4/Sub.2/1999/8);

(d) The preliminary report on the subject of globalization and its impact on the full enjoyment of human rights submitted by Mr. J. Oloka-Onyango and Ms. Deepika Udagama (E/CN.4/Sub.2/2000/13);

(e) The working paper on proposals for the work of the World Conference submitted by Mr. Paulo Sérgio Pinheiro (A/CONF.189/PC.1/13/Add.1);

(f) The working paper on proposals for the work of the World Conference relating to discrimination against indigenous peoples submitted by Ms. Erica-Irene Daes (subsequently issued as document E/CN.4/Sub.2/2001/2);

(g) The working paper on the human rights problems and protections of the Roma submitted by Mr. Yeung Kam Yeung Sik Yuen (E/CN.4/Sub.2/2000/28).

7. In the resolution, the Sub-Commission requested its experts who had prepared relevant studies, updated reviews and working papers, such as those identified above, to update and augment their respective work, to the extent possible, so that the working papers, preliminary studies, etc. can be used in the preparatory process, at the World Conference itself and in its follow-up (para. 5).

8. The Sub-Commission recommended to the Preparatory Committee that the World Conference devote considerable attention to the overall themes of equality and diversity in an effort to combat racism, racial discrimination, xenophobia and related intolerance. It also recommended that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the human rights of migrants play an integral role in all processes regarding the World Conference. The Sub-Commission requested the Secretary-General to again provide for the participation of Mr. Paulo Sérgio Pinheiro in the Preparatory Committee and at the World Conference as the representative of the Sub-Commission (para. 14).

9. The Sub-Commission suggested (para. 17) that the World Conference focus, inter alia, on situations of racism, racial discrimination, xenophobia, related intolerance and ethnic conflict and other patterns of discrimination, such as contemporary forms of slavery, that are based on race, colour, social class, minority status, descent, national or ethnic origin or gender, including topics such as:

(a) The link between contemporary forms of slavery and racial and other discrimination based on descent;

(b) The current realities in the aftermath of slavery and colonialism, including the legal implications of the slave trade and the conditions of persons of African descent in the Americas;

(c) The impact of economic globalization on the question of racial equality, including globalization in the context of the increase in incidents of racism, and the economic basis of racism;

(d) The need to mainstream activities and programmes to combat racism, racial discrimination, xenophobia and related forms of intolerance in development programmes and for donors to provide additional resources for these activities;

(e) The treatment of minorities, migrants, victims of trafficking, refugees, asylum-seekers, other non-citizens and displaced persons, as well as the related phenomenon of xenophobia;

(f) The prevention of racial discrimination, including early warning and urgent procedures and sanctions as well as the accountability of non-State actors;

(g) The prevention of racial discrimination through labour regulation, development of migration regulation, education and other information;

(h) Remedies, redress mechanisms and reparations for racial discrimination, including affirmative action, and compensation for victims and descendants of victims of racism, as well as independent mechanisms for monitoring the effectiveness of remedies and redress mechanisms;

(i) International mechanisms for the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination at the international, national and local levels, and their progressive development;

(j) International mechanisms for the protection of the rights of persons belonging to minorities and ensuring peaceful group accommodation based on human rights;

(k) Improved mechanisms for the implementation of international conventions against contemporary forms of slavery;

(l) Combating hate speech and promoting tolerance in the digital age;

(m) The implications of multiple identities (race, colour, descent, minority status, national or ethnic origin, gender);

(n) The role that can be played by recognition of dual citizenship;

(o) The need for States and human rights mechanisms to recognize any discriminatory element in situations involving other alleged violations of human rights;

(p) Policies to be implemented to promote and protect the rights of indigenous peoples; and

(q) Racism, racial discrimination and other forms of intolerance, including discrimination and intolerance against indigenous peoples, within criminal justice systems.

10. In the same resolution, the Sub-Commission also recommended that the World Conference define a global and system-wide strategy to combat racism and racial discrimination, which could lead to concrete results for the populations affected (para. 19).

11. In its resolution 2000/4, entitled "Discrimination based on work and descent", the Sub-Commission decided to entrust Mr. Rajendra Kalidas Wimala Goonesekere (Sri Lanka) with the task of preparing a working paper on the topic of discrimination based on work and descent, in order to:

(a) Identify communities in which discrimination based on occupation and descent continues to be experienced in practice;

(b) Examine existing constitutional, legislative and administrative measures for the abolition of such discrimination; and

(c) Make any further concrete recommendations and proposals for the effective elimination of such discrimination as may be appropriate in the light of such examination.

12. In its resolution 2000/14, entitled "Working Group on Indigenous Populations", the Sub-Commission recommended that Ms. Erica-Irene Daes (Greece), member of the Working Group, prepare a second working paper on indigenous peoples and racism and racial discrimination for consideration at the second session of the Preparatory Committee for the World Conference to be held in May 2001, and that the working papers or recommendations which may be prepared by any member of the Working Group on the issues to be discussed at the World Conference should be incorporated in the relevant list of Conference documentation (para. 10).

13. In the resolution, the Sub-Commission called upon the organizers of the World Conference to ensure that a mechanism exists for the full and active participation of representatives of indigenous peoples in all preparatory meetings as well as the World Conference itself, as a further measure to implement the theme of the International Decade of the World's Indigenous People, "Partnership for action" (para. 12).

14. In the same resolution, the Sub-Commission recommended that:

(a) The organizers of the World Conference invite indigenous representatives to address its plenary session, in the spirit of General Assembly resolution 50/157 and as a further measure to implement the theme of the International Decade (para. 13);

(b) The Office of the High Commissioner for Human Rights organize a parallel activity on indigenous issues during the World Conference and that funds be set aside for this purpose as well as for the participation of indigenous peoples at the Conference (para. 14);

(c) A chapter in both the declaration and the programme of action of the World Conference be dedicated to indigenous peoples and that the World Conference recognize that indigenous peoples, when referred to collectively, are "peoples" (para. 15);

(d) The Chairperson-Rapporteur or any other member of the Working Group on Indigenous Populations be invited to take part in the preparatory meetings for the World Conference and in the World Conference itself (para. 16).

15. In the same resolution, the Sub-Commission recommended that the Commission on Human Rights and the Economic and Social Council authorize the former Chairperson-Rapporteur of the Working Group, Ms. Daes, to continue to participate in all meetings in preparation for the World Conference and in the World Conference itself, and to

authorize the Chairperson-Rapporteur of the eighteenth session of the Working Group, Mr. Miguel Alfonso Martínez (Cuba), to participate in the World Conference and in the preparatory meeting for the Latin American region, to be held in Santiago.

16. In its resolution 2000/16, entitled "The rights of minorities", the Sub-Commission endorsed the recommendation of the Working Group on Minorities that its Chairman Mr. Asbjørn Eide (Norway), prepare a statement for the World Conference, focusing on the relationship between the elimination of racial discrimination and the protection of minorities (para. 5).

17. In its resolution 2000/19, entitled "Report of the Working Group on Contemporary Forms of Slavery", the Sub-Commission recommended that the issue of trafficking in persons, prostitution, and related practices of sexual exploitation be considered during the preparatory process of the World Conference (para. 46).

18. In its decision 2000/103, entitled "The rights of non-citizens", the Sub-Commission, having recalled the working paper on the rights of non-citizens submitted by Mr. David Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1), decided to appoint Mr. Weissbrodt (USA) as Special Rapporteur entrusted with the task of preparing a comprehensive study of the rights of non-citizens and requested him to submit a preliminary report to the Sub-Commission at its fifty-third session, a progress report at its fifty-fourth session and a final report at its fifty-fifth session.

19. In its decision 2000/104, entitled "The concept and practice of affirmative action", the Sub-Commission expressed its appreciation to the Special Rapporteur, Mr. Marc Bossuyt (Belgium), for his preliminary report on the concept and practice of affirmative action and the related questionnaire (E/CN.4/Sub.2/2000/11 and Corr.1).

20. In its decision 2000/109, entitled "The human rights problems and protections of the Roma", the Sub-Commission decided to endorse the conclusions contained in the working paper submitted at its fifty-second session by Mr. Yeung Kam Yeung Sik Yuen (Mauritius) on the human rights problems and protections of the Roma (E/CN.4/Sub.2/2000/28) and recommended that the Commission on Human Rights adopt a draft decision for adoption by the Economic and Social Council authorizing the appointment of Mr. Sik Yuen as Special Rapporteur with the task of preparing a comprehensive study on the human rights problems and protections of the Roma and of submitting a preliminary report to the Sub-Commission at its fifty-fourth session, a progress report at its fifty-fifth session, and a final report at its fifty-sixth session.

21. The working paper on further proposals for the work of the World Conference prepared by Mr. Pinheiro in his capacity as the representative of the Sub-Commission at the Preparatory Committee and the World Conference (Sub-Commission resolution 2000/3, para. 14) is contained in an addendum to the present document. Reports and working papers prepared by other members of the Sub-Commission as a contribution to the preparatory process for the World Conference (see para. 6 above) will be made available to the Preparatory Committee as background documents.

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